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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,705	06/03/2005	Tim Neil	93422-47	5122

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Smart & Biggar
438 University Avenue
Box 111, Suite 1500
Toronto, ON M5G 2K8
CANADA

EXAMINER	
NGUYEN, DUSTIN	
ART UNIT	PAPER NUMBER
2454	

NOTIFICATION DATE	DELIVERY MODE
09/16/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

toronto@smart-biggar.ca
portfolioprosecution@rim.com
RIM@smart-biggar.ca

Office Action Summary	Application No.	Applicant(s)	
	10/537,705	NEIL ET AL.	
	Examiner	Art Unit	
	DUSTIN NGUYEN	2454	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 May 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-5,8-13,15-17 and 20-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-5,8-13,15-17 and 20-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1, 3-5, 8-13, 15-17 and 20-29 are presented for examination.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/10/2010 has been entered.

Claim Objections

3. Claims 3-5, 8, 15-17 and 20 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1, 5, 8-10, 13, 17, 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Himmel [US Patent No 6,167,441], in view of Li et al. [US Patent Application No 6,813,733].

6. As per claim 1, Himmel discloses the invention as claimed including a method of determining operational status of a wireless communication device capable of executing server-side applications [i.e. determine the type of client device which is requesting services from a web server] [col 2, lines 20-22], said wireless communication device being a mobile device [Figure 3; col 3, lines 8-14; and col 6, lines 28-33], the method comprising:

at a server in communication with said wireless communication device [Figure 4; and col 5, lines 32-46 and 63-66]:

sending a message to said wireless communication device capable of executing server-side applications requesting operational status of the device [i.e. snoop or request for device information] [209, Figure 5, Figure 6; col 7, lines 18-38; and col 8, lines 19-41]; and

receiving a response message from said wireless communication device indicative of the operational status of the device [i.e. user input sent back] [col 7, lines 6-10 and lines 28-38; and col 8, lines 19-col 9, lines 6].

Himmel does not specifically disclose

wherein said operational status of the wireless communication device comprises:

an indication of N messages most frequently received at said device, where N is an integer; an name of a user interface screen currently displayed at said device; a network identifier identifying a wireless network over which said device is communicating; or an indication of available memory at said wireless communication device.

Li discloses

wherein said operational status of the wireless communication device comprises:

an indication of N messages most frequently received at said device, where N is an integer; an name of a user interface screen currently displayed at said device; a network identifier identifying a wireless network over which said device is communicating [i.e. network, connectivity summary] [Figure 8; and col 14, lines 62-col 15, lines 5]; or an indication of available memory at said wireless communication device [i.e. available memory] [Figure 14; col 15, lines 6-20; and col 16, lines 18-35].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Himmel and Li because the teaching of Li would enable to provide customer service to a subscriber based at least in part upon information relating to a client system [Li, col 1, lines 11-14].

7. As per claim 5, Li discloses a network identifier identifying a wireless network over which said device is communicating [i.e. network, connectivity summary] [Figure 8; and col 14, lines 62-col 15, lines 5].

8. As per claim 8, Li discloses wherein said operational status of the wireless communication device comprises said indication of available memory at said wireless communication device [Figure 14; col 15, lines 6-20; and col 16, lines 18-35].

9. As per claim 9, it is rejected for similar reasons as stated above in claim 1.

10. As per claim 10, Himmel discloses wherein said response message is an eXtensible Markup Language (XML) message [col 1, lines 56-64].

11. As per claim 13, it is rejected for similar reasons as stated above in claim 1.

12. As per claim 17, it is rejected for similar reasons as stated above in claim 5.

13. As per claim 20, it is rejected for similar reasons as stated above in claim 8.

14. As per claim 21, it is rejected for similar reasons as stated above in claim 1.

15. As per claim 22, it is rejected for similar reasons as stated above in claim 10.

16. Claims 3, 15 and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Himmel [US Patent No 6,167,441], in view of Li et al. [US Patent Application No 6,813,733], and further in view of Dew et al. [US Patent Application No 2006/0195912].

17. As per claim 3, Himmel and Li do not specifically disclose wherein said operational status of the wireless communication device comprises indication of N messages most frequently received at said device. Dew discloses wherein said operational status of the wireless communication device comprises said indication of N messages most frequently received at said device [i.e. email messages are most frequently received] [paragraphs 0036 and 0038]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Himmel, Li and Dew because the teaching of Dew would enable to control and manage messages in a more efficient manner.

18. As per claim 15, it is rejected for similar reasons as stated above in claim 3.

19. As per claims 25-28, Dew discloses wherein said indication of N messages is an indication of a plurality of messages [paragraphs 0036, 0038, and 0041].

20. Claims 4 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Himmel [US Patent No 6,167,441], in view of Li et al. [US Patent Application No 6,813,733], and further in view of , in view of Underwood et al. [US Patent No 7,100,195].

21. As per claim 4, Himmel and Li do not specifically disclose wherein said operational status of the wireless communication device comprises said indication of said user interface screen currently displayed at said device. Underwoold discloses wherein said operational status of the wireless communication device comprises said indication of said user interface screen currently displayed at said device [i.e. CurrentPage: Name of the current page; and getCurrentPage: return the current page] [col 60, lines 31-33; and col 61, lines 57-62].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Himmel, Li and Underwood because the teaching of Underwoold would enable to provide for the management of user information of both site server and regular web site users [Underwood, col 2, lines 6-9].

22. As per claim 16, it is rejected for similar reasons as stated above in claim 4.

23. Claims 11, 12, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Himmel [US Patent No 6,167,441], in view of Li et al. [US Patent No 6,813,733], and further in view of Tim Bray, Jean Paoli, C. M. Sperberg-McQueen, Eve Maler, Rancois Yergeau,

"Extensible Markup Language (XML) 1.0 (Third Edition)", W3C Recommendation 04 February 2004 [hereinafter as Bray et al.].

24. As per claims 11 and 12, Himmel and Li do not specifically disclose wherein said composing comprises verifying that a textual operational status description forming part of said response message omits illegal XML characters, and wherein said verifying comprises passing said textual operational status description through an XML formatter for removal of any illegal XML characters. Bray et al. discloses wherein said composing comprises verifying that a textual operational status description forming part of said response message omits illegal XML characters, and wherein said verifying comprises passing said textual operational status description through an XML formatter for removal of any illegal XML characters [Section 2.3]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Himmel, Li and Bray et al. since the teaching of XML would enable to support a wide variety of applications, easy to write programs, etc… [Bray et al., section 1.1].

25. As per claims 23 and 24, they are rejected for similar reasons as stated above in claims 11 and 12.

26. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Himmel [US Patent No 6,167,441], in view of Underwood et al. [US Patent No 7,100,195].

27. As per claim 29, Himmel discloses the invention as claimed including a mobile wireless communication device comprising a processor and memory in communication with said processor storing machine-executable code adapting said device to:

receive a message at said wireless communication device capable of executing server-side applications requesting operational status of the device, said receiving resulting in a received message [i.e. the client-smart agent download a client-snooper agent to the client to get the information necessary about the client device] [157, Figure 4; 207, Figure 5; col 6, lines 51-55; and col 7, lines 18-27];

compose a response message from said wireless communication device indicative of the operational status of the device [i.e. the client-snooper agent returns the necessary information about the client device to the client-smart agent] [163, Figure 4; and col 7, lines 6-10]; and

send said response message from said wireless communication device to an originator of said received message that is external to said wireless communication device [i.e. the client-smart agent is located on the server] [155, Figure 4; 113, Figure 5].

Himmel does not specifically disclose

wherein said operational status of the wireless communication device comprises a name of a user interface screen that is currently open at said wireless communication device.

Underwood discloses

wherein said operational status of the wireless communication device comprises a name of a user interface screen that is currently open at said wireless communication device [i.e.

CurrentPage: Name of the current page; and getCurrentPage: return the current page] [col 60, lines 31-33; and col 61, lines 57-62].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Himmel and Underwood because the teaching of Underwoold would enable to provide for the management of user information of both site server and regular web site users [Underwood, col 2, lines 6-9].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached at (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DUSTIN NGUYEN/
Primary Examiner, Art Unit 2454